

SENATE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED HOUSE BILL 3121

By COMMITTEE ON RULES

July 29

1 On page 2 of the printed A-engrossed bill, after line 9, insert:

2 “**SECTION 2a.** If House Bill 2429 becomes law, section 2 of this 2005 Act is amended to read:

3 “**Sec. 2.** (1) A person may make a request to an authority described in ORS 819.140 (1)(b) or (c)
4 to dispose of a vehicle that is on the private property of the person and that is appraised at a value
5 of \$500 or less, as determined by a holder of a certificate issued under ORS 819.230, if the person
6 is in lawful possession of the vehicle. For the purposes of this subsection, a person need not have
7 the certificate of title to be in lawful possession of the vehicle.

8 “(2) If the authority requested to dispose of a vehicle under subsection (1) of this section chooses
9 to dispose of the vehicle, the authority shall do all of the following:

10 “(a) Photograph the vehicle.

11 “(b) Verify that the person is in lawful possession of the vehicle.

12 “(c) Provide notification to the person requesting the disposal and the Department of Transpor-
13 tation of all of the following:

14 “(A) The name and address of the person requesting the disposal;

15 “(B) The vehicle identification number;

16 “(C) The appraised value of the vehicle;

17 “(D) The appraiser’s certificate number and signature; and

18 “(E) The name and address of the authority disposing of the vehicle.

19 “(d) Dispose of the vehicle and its contents to a person who holds a valid [*wrecker*] **dismantler**
20 certificate issued under ORS 822.110.

21 “(3) The authority disposing of the vehicle may charge the person requesting the disposal a fee
22 to dispose of the vehicle.

23 “(4) Disposal of a vehicle to a [*wrecker*] **dismantler** as provided in this section extinguishes all
24 prior ownership and possessory rights.

25 “(5) The department shall adopt rules specifying the form in which notification required by
26 subsection (2) of this section shall be submitted and what additional information shall be conveyed
27 to the department.

28 “(6) In lieu of submitting ownership or other title documents for the vehicle, the authority dis-
29 posing of the vehicle may submit to the [*wrecker*] **dismantler** a copy of the notification provided to
30 the department under subsection (2) of this section.”.

31 On page 5, after line 11, insert:

32 “**SECTION 6a.** If House Bill 2429 becomes law, ORS 822.200, as amended by section 6 of this
33 2005 Act, is amended to read:

34 “822.200. (1) A person commits the offense of operating an illegal towing business if the person
35 does not hold a certificate issued under ORS 822.205 and the person does any of the following:

1 “(a) Engages in the towing or recovering of vehicles by any means for any direct or indirect
2 compensation when the vehicle being towed or recovered is owned by a person other than the per-
3 son performing the towing or recovery activity.

4 “(b) Engages in towing or recovering by any means, as part of any business operation of the
5 person, vehicles that are wrecked, damaged, disabled or abandoned or replacement vehicles.

6 “(c) Purports in any way to be engaged in the business of performing activities described in this
7 subsection.

8 “(2) This section does not apply to any of the following:

9 “(a) Persons operating under and within the scope of a vehicle transporter certificate issued
10 under ORS 822.310.

11 “(b) A person who provides assistance to another motorist, whether or not compensation is re-
12 ceived, if the assistance is not provided as part of the business operation of the person providing the
13 assistance.

14 “(c) A person engaging in any activity relating to a vehicle in which that person holds a secu-
15 rity interest.

16 “(d) An employee of a person issued a towing business certificate under ORS 822.205 while that
17 employee is performing official duties as an employee.

18 “(e) A person who holds a valid [*wrecker*] **dismantler** certificate under ORS 822.110 who tows
19 a vehicle described under section 2 of this 2005 Act.

20 “(3) The offense described in this section, operating an illegal towing business, is a Class A
21 misdemeanor.”.

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